

REMARKS

An Office Action was mailed on May 18, 2007. Claims 1-34 are pending.

Background

By way of background, and before addressing the prior art rejections, Applicant wishes to explain that the present specification concerns the provision of access to content that is restricted to a user by an application in the absence of control commands received by a service provider. The control commands received by the service provider enable the application to grant user access to the otherwise restricted content. The control commands are delivered by the service provider in response to a profile or action of the user.

One embodiment described in the originally-filed specification is set forth on page 6, line 4 through page 7, line 2. When a disc 22 having content is loaded into a mobile phone, for example, the mobile phone connects with a service and the disc identification is sent to service 70, which may transmit control commands that comprise the entire playlist to be played from the content on disc 22. In that case, when the user inserts the disc 22, the mobile phone 10 receives the same playlist as everybody else for disc 22, but application program will play the list from beginning to end for the particular user. ... Thus, when a user inserts disc 22 and application begins running, the most current control commands are transmitted to the application program by the service, which responds by playing the appropriate current content from the disc 22. Service 70 may provide additional content in the form of advertisements, for example, that are displayed to the user on display 18 or played to the user between songs. ... The advertisements may act as the control commands such that the listening to one or more advertisements may grant access to the playing of content from the disc 22. These advertisements may be transmitted from the service 70. The playing of the advertisement then enables the application program to play one or more content portions from the disk 22. This embodiment provides an incentive to the user to play the advertisements that may be related or unrelated to the content portions.

In other words, an application is provided that initially restricts user access to content. In the example above, such content might be songs provided on a disc inserted into a mobile phone. Access to such content is then provided through the transmission of control commands to the

application that is restricting access. In the above example, the service issues control commands to the application running on the mobile phone that grants access to the content and enables the user to listen to the songs provided on the disc. In one embodiment, such control commands are generated through the playing of advertisements that function, through the generation of control commands to the application, to grant access to the songs. Without the playing of such advertisements, and without application receiving such control commands, the user would not have access to the songs.

Therefore, the playing of advertisements generates control commands to an application that grants access to content that is otherwise access-restricted by such application. The playing of advertisements control an application that controls access to restricted content.

This background discussion is only presented to summarize different aspects of Applicant's disclosure, and should not be considered as limiting the claims in any way.

Claim Rejections

Returning now to the claim rejections, Claims 1-34, in various combinations, are rejected under 35 U.S.C. §103(a) as being unpatentable over McDonnell et al. (U.S. Patent Application Publication 2002/0177449) in view of O'Hare et al. (U.S. Patent Application Publication 2003/0104840) and further in view of either Lamkin et al. (U.S. Patent Application Publication 2004/0220926), or Donian et al. (U.S. Patent Application Publication 2004/0003398), or Ochiyama et al. (U.S. Patent Application Publication 2004/0031377) or a combination of the same. Applicant respectfully traverses such rejections in view of the amendments and argument set forth herein.

The claim rejections set forth herein are essentially duplicated from the Office Action of January 24, 2007. In the present Office Action, it is recognized that the McDonnell et al. reference fails to disclose "that the control commands are received as electronic advertising content comprising the control commands." The O'Hare et al. reference is asserted to disclose the storing of content on a user's device and activating that content based upon a trigger from a received advertisement (page 2, paragraphs 0020-0022; page 3, paragraphs 0029-0030). It is further asserted in the Office Action of May 18, 2007, that one skilled in the art would consider it

obvious to incorporate the teachings of O'Hare et al. with those of McDonnell et al. "because it is desirable to provide a minimally intrusive way to present preloaded information when a pertinent trigger is received."

Independent claim 1, as amended, recites the following:

*1. (Currently Amended) A method of enabling an electronic transaction, the method comprising:
providing storable electronic content to a user,
providing an electronic application to the user that restricts user access to the storable electronic content; and
subsequent to the user being provided with the storable electronic content, providing electronic advertising content to the user, the electronic advertising content comprising control commands that are receivable from a party other than the user and that are generated upon the user playing the electronic advertising content, the control commands enabling the electronic application to render the electronic content accessible to the user.*

Thus, the user is provided with storable content, an application that restricts user access to such storable content, and electronic advertising content that, when played, **generates control commands that enable the electronic application to render the electronic content accessible** to the user. In other words, the playing of the electronic advertising **generates control commands** that **grant access** to content that was access-restricted before the playing of such electronic advertising.

The O'Hare et al. reference is asserted as teaching "activating content based upon a trigger from a received advertisement." FIG. 4 of O'Hare summarizes a control scheme whereby an advertisement is viewed on a display based upon either a specific user request or a determination of whether the display is currently in use such that the display of the advertisement will not interfere with or compromise the normal utilization of the device. A careful read of O'Hare et al., and in particular page 2, 0020-0022 and page 3, paragraphs 0029-0030 cited in the present Office Action, illustrates that it is the viewing of an advertisement itself that is triggered by a controller, and not that the viewing of the advertisement triggers control commands that enable an application to grant access to restricted content:

[0021] *The symbol that is displayed or the advertisement message can be supplied by or caused to be stored in the memory by the supplier of the communications device or communications services or the supplier of the goods and services. In short the symbol or advertisement message can be preloaded and triggered as noted or it can be received over the air. In the latter case the controller and the transceiver will operate to download the advertisement message from the supplier based on sufficient proximity to receive a signal from the supplier of the goods or services. It is expected that economic factors or manufacturing concerns will determine when and who supplies the symbols and messages.*

[0022] *The user interacting with the user I/O to recall the message or the controller sensing that the display is not otherwise being utilized will trigger the controller to initiate the display of the advertisement message. This advertisement message, preferably, includes a link to a remote file with further information corresponding to the advertisement message.*

Furthermore, the assertion that O'Hare et al. teaches "activating content based upon a trigger from a received advertisement" fails to address Applicant's claim element "the electronic advertising content comprising control commands that are receivable from a party other than the user and that are generated upon the user playing the electronic advertising content, the control commands enabling the electronic application to render the electronic content accessible to the user." In addition, O'Hare fails to provide for a connection between the playing of electronic advertising content and the granting of access to content that is restricted prior to the playing of such electronic advertising content.

This fundamental difference between the playing of electronic advertising content triggering control commands, as set forth in the present claims as amended, on the one hand, and a controller triggering the display of advertising content as set forth in the O'Hare et al. reference, on the other hand, is precisely why one skilled in the art would not consider it obvious to incorporate the teaching of O'Hare et al. into McDonnell et al. to arrive at the claimed invention as asserted in the present Office Action. Simply stated, the advertising content in O'Hare et al. does not function as a control command. As O'Hare et al. fails to teach or reasonably suggest the generation of control commands upon the playing of electronic advertisements that grant access to otherwise access-restricted content, Applicant respectfully

submits that one skilled in the art would not consider the claimed invention to be obvious under 35 U.S.C. §103(a) in view of the combination of McDonnell et al. and O'Hare et al.

As the primary combination of McDonnell et al. and O'Hare et al. is used to reject the totality of claims 1-34 of the present application, and in view of the above amendments and remarks, it is believed that claims 1-34 are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, not already paid through an EFS-Web filing, may be charged to Deposit Account No. 50-3894. Any overpayment may be credited to Deposit Account No. 50-3894.

Respectfully submitted,

PHILIPS INTELLECTUAL PROPERTY & STANDARDS



By: Harris A. Wolin, Reg. No. 39,432
Attorney for the Applicant

Please Address All Correspondence to:

Yan Glickberg, Registration No. 51,742

Phone: (914) 333-9618

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